

IN SENATE OF THE UNITED STATES.

JANUARY 25, 1848.

Submitted, and ordered to be printed.

Mr. MASON made the following

REPORT:

[To accompany bill S. No. 107.]

The Committee of Claims, to whom was referred the petition of George Center, report:

It appears, by an official copy of reports from Lieutenant-Colonel B. K. Pierce, of the United States army, to his commanding officer Colonel J. B. Crane, and from Colonel Crane to the War Department, that Micanopy was abandoned on the 24th August, 1836, in consequence of the inability of the force there to maintain itself against the enemy—and in pursuance of orders to that effect, Colonel Pierce states, in a certificate filed in the case, that “all the articles, both private and public, which he was compelled to leave for want of transportation, he ordered destroyed, to prevent their falling into the hands of the enemy.”

A part of the property thus destroyed, has been paid for by direction of an act of Congress for the relief of Charles Waldron, passed March 3, 1843. It seems that the petitioner also resided there, and, according to the sworn testimony of Captain Talcott, of the army, the petitioner rendered every assistance and facility in his power to the troops, putting every thing (several large buildings among the rest) at the disposal of the commanding officer, in the most patriotic manner, and without stipulating for compensation of any sort. Captain Talcott was acting quartermaster at the spot, and had any charge been made, says he must have known it, if any body.

Major Clarke, quartermaster of the United States army, who was chief of the Quartermasters Department in that region at the time, states that the buildings were burned and all the contents which could not be carried away, because their contents consisted in part of ammunition, provisions, dry goods, &c., which it was important to prevent from falling into the hands of the enemy, “to whom (he states) it (the property in the buildings) would have been of much service, and would have enable them to have committed extensive depredation during the sickly season.” Mr.

Clarke states that all the articles in Mr. Center's store were destroyed, none having been removed.

The statement of Colonel Pierce, and the testimony of Captain Talcott and of Major Clarke, is hereto annexed and made a part of this report.

The amount of the petitioner's loss is fully sustained by his own affidavit, and the testimony of several witnesses, taken under oath.

The principle is fully established by the legislation of Congress, that private property, destroyed by a commanding officer of the United States army in a period of war, should be paid for. The destruction being for the common good of the community, the loss should be borne in common. Accordingly a bill is reported for the relief of the petitioner.

SAVANNAH, GEORGIA,
January 6, 1837.

I certify, that on or about the 24th August, 1836, the post of Micanopy, East Florida, was abandoned, and, in pursuance of instructions, I caused the troops to be removed to Fort Heileman, at Garey's ferry, on Black creek. Horses, wagons, and all other means, were employed to transport the sick and the public property from Micanopy to Fort Heileman. The transportation was, however, insufficient to transport the whole of the *public* property, and no means existed to enable me to remove the *private* property of individuals who had been driven from the country. All the articles, both private and public, which I was compelled to leave for want of transportation, I ordered destroyed, to prevent their falling into the hands of the enemy. Among articles said to belong to citizens, I recollect eight or ten hogsheads of sugar. Some of the buildings were burnt, being on fire when we marched; others, at a little distance, were subsequently all burnt by the Indians after our departure.

B. K. PIERCE,
Brevet Lieut. Col. U. S. Army.

This is to certify, that I was stationed at Micanopy, Florida, from about 1st May to 1st August, 1836. During that time, there was always one company, and the greater part of it two companies of regulars occupying the principal buildings within the pickets, and several smaller ones, all of which it was understood belonged to Mr. George Center, who rendered every assistance and facility in his power to the troops, putting every thing at the disposal of the commanding officer, in the most patriotic manner, and without stipulating for compensation of any sort as far as I ever heard, and which I ought to have heard, if any body, as I was the acting

quartermaster there. The principal building consisted of an excellent dwelling house, cotton house, with packing screw and fixtures; several smaller buildings within the pickets, and two good dwelling houses without, all of which were for a time occupied by troops. There was a quantity of merchandise in the store room, and considerable furniture in the dwelling.

I left before the place was destroyed, which, I have from undoubted authority, was done by the order of the commanding officer, on account of lack of transportation, to prevent their use by the Indians. Had not Mr. Center so patriotically put all his buildings at the entire disposal of the troops, they must have been compelled to have taken them at his own price, or suffered the most serious inconvenience from the abandonment of that post in the earlier part of the war. I should think the whole property was worth several thousand dollars, and would have cost the government as much if they had been put up for the troops.

G. H. TALCOTT,
Lieut. U. S. Army.

GEORGIA, CHATHAM COUNTY, }
City of Savannah. }

Before me, Wickliffe Brown, a justice of the peace, in and for the county of Chatham, State of Georgia, residing in the city of Savannah, personally came G. H. Talcott, who has subscribed to the foregoing certificate, who, being duly sworn, deposeth and saith, that the matter as therein set forth, is just and true to the best of his knowledge and belief.

G. H. TALCOTT,
Lieut. U. S. Army.

Sworn and subscribed to, before me, this 30th day of January, 1646.

WICKLIFFE BROWN,
Justice of the Peace.

WASHINGTON CITY,
January 7, 1848.

I was stationed in Florida, in 1836, and, up to about the middle of August, of that year, chiefly at Fort Drane; one or two companies of regular troops were stationed at Micanopy, (some eight or ten miles distant from Fort Drane,) which place I occasionally visited. The officers of the command lived in a house with George Center, which building was owned by him as the officers informed. I was ordered to Micanopy about the middle of August; the building was still occupied by officers of the army, and so continued until the place was abandoned. The troops, or many of them, were in buildings near by. On the 24th August, the place was abandoned, chiefly, I believe, in consequence of the number

of sick and wounded who were there. The buildings were burned, and much property, both public and private, (such as ammunition, provisions, dry goods, &c.,) had necessarily to be destroyed, to prevent its falling into the hands of the Indians, (to whom it would have been of much service, and would have enabled them to have committed extensive depredations during the sickly season,) there not being sufficient means of transportation to remove it, a very large proportion of the wagons being necessarily required to transport the sick and wounded citizens and soldiers and women and children. Mr. Center had a store there, and all the articles he had not sold were destroyed. None of his property was removed.

M. M. CLARKE,

Captain and Assistant Quartermaster.